



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

**CASE NUMBER 21-2023 BZA**

**1399 WASHINGTON CIRCLE**

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON NOVEMBER 2, 2023.

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**APPLICANT:** Andrew & Julie Hibner, property owners.

**LOCATION & ZONING:** 1399 Washington Circle  
(Book 500, Page 201, Parcel 113) – “C” Residence

**REQUEST:** A conditional use request for a Short-Term Rental (STR) Facility at the premises designated as 1399 Washington Circle, per Article 5.4, I, 15 of the Anderson Township Zoning Resolution.

**SITE DESCRIPTION:**

<i>Tract Size:</i>	0.296 acres
<i>Frontage:</i>	Approximately 31’ of frontage on Washington Circle
<i>Topography:</i>	Slight slope to the south.
<i>Existing Use:</i>	Single Family Residence

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
	North: “C” Residence	Single Family Residence
	South: “C” Residence	Single Family Residence
	East: “C” Residence	Single Family Residence
	West: “C” Residence	Single Family Residence

**PROPOSED DEVELOPMENT:** The applicant is proposing to operate a Short-Term Rental in an existing single-family residence. The existing residence has 2 bedrooms, 1.5 bathrooms, and is around 1,500 square feet. The applicant has not proposed any changes to the exterior of the property. The applicant has indicated they plan to use Airbnb, Vrbo, and like companies to screen potential guests.

**HISTORY:** This home was built in 1963 and was purchased by Andrew & Julie Hibner in June of 2023.

There are no zoning code/property maintenance complaints.

**CONDITIONAL USE FINDINGS:** To authorize by the grant of a special zoning certificate after a public hearing, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The findings shall be based upon the general considerations set forth in Article 2.12, D, 8 as well as the designated specific criteria for specific uses (Short Term Rental) contained in Article 5.4, I, 15.

General Considerations in Article 2.12, D, 8

**Spirit and Intent:** The proposed use and development would comply with the spirit and intention of the Zoning Resolution and with District purposes by meeting the conditional use standards.

**No Adverse Effect:** The proposed Short-Term Rental would not have an adverse effect upon adjacent property, or the public health, safety, and general welfare. The applicant

has proposed a maximum of 3 cars allowed at the house and no significant changes to the outside appearance of the home to keep the house consistent with the character of the neighborhood. The house will be professionally landscaped and maintained by a local company.

**Protection of Public Services:** The proposed Short-Term Rental will respect natural, scenic, and historic features of significant public interest. The applicant has not changed the exterior of the existing single-family residence. The applicants have indicated that landscaping and lawn will be maintained professionally. Granting a conditional use will not impact governmental services.

**Consistent with Adopted Township Plans:** The conditional use is in accordance with the following areas of the Township's Comprehensive Plan:

The project is consistent with the following goal and initiative in the "Housing" chapter in the 2022 Comprehensive Plan, which states:

"Anderson Township is home to diverse housing options to meet changing demographics and market demands"

"Encourage the development and redevelopment of a variety of housing styles and densities in appropriate areas of the township"

This property is designated for a single-family residence use on the Future Land Use Map, staff believes that the proposed Short Term Rental is consistent with this use classification.

#### Specific Criteria in Article 5.4, I, 15

*Short- term Rental (f), (h), (l), (m), (s), (v), (x), (z)*

*f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district. **Compliant – parking will be located in the driveway parking area to the back of the house.***

*h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood. **Compliant – the maximum number of vehicles will be three and will be located in the appropriate area.***

*l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties. **Compliant – the applicant will use Party Squasher technology to monitor the number of guests. Party Squasher technology is able to determine the number of guests based on the number of cell phones present in the home. Additionally, the applicant has reached out to adjacent properties to discuss this proposal.***

*m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible. **Compliant – no proposed changes to the existing structure, the applicant stated there could be a future change in paint color on the trim and garage.***

*s. All exterior lighting shall be directed away from adjacent residential properties. **Compliant – no changes to lighting proposed, the existing lighting will be directed away from adjacent properties.***

*v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility. **Compliant – the applicants will provide adjacent neighbors with personal contact information in case concerns come up. Neighbors that are not adjacent will be provided with their business contact information and introductory letter reporting any concerns.***

*x. Meals shall be served only to guests or residents of the facility and not to the general public. **Compliant – no meals will be served.***

*z. An emergency response plan shall be submitted detailing safety measures and response procedures. **Noncompliant – staff has not received an emergency plan from the applicant at this time, however, the applicant stated that emergency and non-emergency numbers for local police will be provided to the residents. The property is also equipped with smoke detectors and carbon monoxide detectors.***

**STANDARDS TO  
BE CONSIDERED:**

The aforementioned conditional use request should be evaluated on the following criteria from the Zoning Resolution:

Short-term Rental (f), (h), (l), (m), (s), (v), (x), (z)

*f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.*

*h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.*

*l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.*

*m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.*

*s. All exterior lighting shall be directed away from adjacent residential properties.*

*v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility.*

*x. Meals shall be served only to guests or residents of the facility and not to the general public.*

*z. An emergency response plan shall be submitted detailing safety measures and response procedures.*

In determining whether to grant a special zoning certificate, the Board shall consider and apply the following standards:

- (1) Spirit and intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with purposes.
- (2) No adverse affect; the proposed use and development shall not have an adverse affect upon adjacent property, or the public health, safety and general welfare.
- (3) Protection of public services: the proposed used and development should respect, to the greatest extent practicable, any natural, scenic and historic features of significant public interest.
- (4) Consistent with adopted plans; the proposed use and development shall, as applicable, be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution.

*Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.*